

PLANNING COMMISSION MINUTES

SEPTEMBER 29, 1999

CALL TO ORDER: Chairman Maks call the meeting to order at 7:00p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Dan Maks; Planning Commissioners Charles Heckman, Eric Johansen, Don Kirby, Sharon Dunham, Vlad Voytilla, and Tom Wolch.

Staff was represented by City Transportation Engineer Randy Wooley, and Transportation Planner Margaret Middleton, Assistant City Attorney Ted Naemura, and Recording Secretary Cheryl Gonzales.

Chairman Maks opened the public hearing and read the format for the meeting.

NEW BUSINESS

A. WORK SESSION #2: TA99-00003 TRAFFIC IMPACT ANALYSIS

Review of the revised draft Development Code text amendments that would codify requirements for traffic impact analyses.

A brief staff report was presented by Margaret Middleton, Transportation Planner, and Randy Wooley, City Transportation Engineer. This was the second work session for the Traffic Impact Analysis requirements which are to be included in the Development Code. The current draft was revised in response to the first work session comments. Other minor revisions were made by the City Attorney and staff. The text was also reorganized to flow better.

Mr. Wooley relayed communications back from the most recent meeting of Institute of Transportation Engineer's Oregon Section. He had handed out copies of the draft and had invited comments from the traffic engineering consultant community. Also, he had informally asked various consultants about the issue of civil engineer registration versus traffic engineer registration. Mr. Wooley reported that for the most part there was at least one person with each type of registration or maybe both in each firm. One firm appeared to have mostly traffic engineer registrations and some civils, and they were all in favor in requiring the traffic engineer registration, according to the individual he had talked to. In other firms, most of their registrations were in civil; some persons had traffic in addition to civil. Most of the people he talked to pointed out that State law allows that once registered as a professional engineer, a person can practice in any specialty that he would feel

qualified. Consequently, most felt that it should stay the way it is, in which either civil or traffic would be acceptable.

Concerning City staff, Mr. Wooley stated they were all registered in civil, but not in traffic. He stated they could possibly go out and get the traffic registration but they don't have that right now. If the City were to have an analysis done on an in-house project, a consultant would have to be hired. In looking back over past studies, to his knowledge there was not a significant problem with competency in the major analyses, or at least not a problem that could have been solved by requiring one registration or the other. Occasionally on smaller projects, there were some problems with perhaps the planning consultant or someone totally unfamiliar with traffic criteria trying to do a quick traffic study. Sometimes those were difficult to read, but on the larger projects, the ones that would trigger this study, there hasn't been a problem with having someone that was appropriately registered. There may have been disagreement on the conclusions, but it was not a matter of registration resolving the problem.

Commissioner Johansen asked about what was involved, for example, in a civil engineer getting his traffic certification. Mr. Wooley answered, he would need to take another test. Commissioner Johansen asked if there was considerable study? Would there be a substantial burden in imposing or requiring firms to either hire a traffic engineer or have their current staff obtain certification?

Mr. Wooley replied that getting the traffic engineering registration required taking a separate exam in Oregon. There was also another option becoming available. The Institute of Transportation Engineers has created a new professional certification, PTOE, Professional Traffic Operation Engineer. It was equivalent to what the medical specialties do when they self-certify; it would not be a state license. The first exams for PTOE were given on the east coast, possibly in January, so there was only something like 200 people nationwide that have this certification so far. It was going to be given in Seattle, Denver, and other west coast locations this fall. This could be a potential option two to three years in the future to certify competency in traffic engineering. Mr. Wooley stated he had received the paperwork on the test being given in Seattle in the fall.

Commissioner Heckman asked what was involved in the course of study for that exam. Mr. Wooley answered it would be similar to taking any professional engineering exam. If a person had background in it, it would be a refresher study course, either for the ITE exam or the state exam. There were some people registered as traffic engineers in Oregon who would be able to get the ITE Certification just by completing some forms if they had taken an exam that occurred before 1996. For the people who had taken the State exam since that time, ITE did not feel the Oregon exam qualified to their standards.

Commissioner Heckman asked for an example of a big project versus a small project. Mr. Wooley answered a big project is one that creates more than 400 trips a day.

Commissioner Voytilla asked how much training a civil engineer receives in traffic studies.

Mr. Wooley answered that it depended on what school they went to and which courses they took and if it was specialized training. Most schools offered courses in traffic engineering, people in the field take these as additional education; but he stated some people come into traffic engineering through other fields. Commissioner Voytilla commented that it would not be a safe assumption that because someone had a civil engineering degree, they had any education in traffic study.

Commissioner Voytilla gave the example of a situation where an applicant has a traffic engineer who has made a factual statement. Should a determination need to be made and the City doesn't agree, it would be a dueling expert situation. How would the City perfect their position should they not have that same caliber of credibility. Mr. Wooley answered the City has registered civil engineers on staff.

Mr. Naemura asked to make the comments he had, so that they could be factored in during the discussion. He commented that the text did flow more logically considering the numbers and formatting. His observations, which were discussed with Ms. Middleton, included the following changes:

Page 9, definitions that will be additions to Section 90, definition of Traffic Impact Analysis. To describe what the document was, he suggested in place of, "An analysis of...", the language be amended to, "An analytical informational document, professionally prepared in connection with a specific proposed development project...."

Chairman Maks asked if the term "development application" takes into consideration Comprehensive Plan Amendments (CPAs) and Rezones, which precede a development application. If the City were to do it in a legislative fashion, would that also be covered under the term "development project?" Chairman Maks gave the example of a place that was once proposed, at one time rumored to be a Wal-Mart. A CPA preceded the development application because it had come forward from the applicant. However, had it been done in a legislative fashion by the City, would the terminology, "development application" prohibit this? Mr. Naemura responded it did not really go to "development application", it went to "development project". Chairman Maks stated if it were legislative, it would not be a development project. The preferred term would be "land use action", which would cover everything. Mr. Naemura agreed that that was inclusive and he could work with that and bring it back.

Commissioner Kirby asked the Chairman the definition of "professionally prepared." This was to be replaced by identifying licensed, professional civil or traffic engineer.

Mr. Naemura continued with comments on Page 1, 60.60.10, General Provisions. He stated the Code Chapter 60.60 dealt with transportation facilities. However, the intent of this language on page 1 was really to revise the traffic impact analysis requirements and codify them. So in order to set apart the requirements, they should be at the end of the section. He noted that Section 5 was long and ended with numbers 6. and 7. He added that numbers 6. and 7. could really be requirements that apply to a project and should precede the lengthy Section 5, which was the new access report requirement. The suggestion was to take 6.and 7. on page 8; renumber them 5. and 6., and move them to page 1 so that the traffic impact analysis would now be numbered 7.

Commissioner Kirby questioned whether or not the section order implied a priority. Mr. Naemura stated it did not. It is meant to keep the criteria for a decision together. Commissioner Kirby asked if it would make sense to set 5. apart, making it a section in and of itself. Mr. Naemura said this was possible, but they were out of Section numbers. Commissioner Kirby questioned the area within General Provisions, having an A. and a B. "A" would include 1, 2, 3, 4, 5, 6; item 5. would become "B." Mr. Naemura, said he had considered that, but that was not the numbering convention of the code. Commissioner Kirby asked about doing 1., and then subsections A., B., C., like what's been done before, so basically 60.10.10 would be A 1. and A 2., then 1. would include A., B., C., D., E.; and then 2. becomes 5. Mr. Naemura agreed that that would be possible. The Commission discussed the numbering and lettering of the Code sections. Mr. Naemura would discuss it with Ms. Middleton.

Chairman Maks commented that he actually preferred 253.G. This 60.60.10.1.1.8.3... was becoming cumbersome. He stated he would actually like to stick with the existing numbering system.

Mr. Naemura had a last comment on page 8 which began with the capital letter K. He explained this used to be the large part of the body of the Access Report. On page 6 J., the section began with a statement about the topic of the section. Mr. Naemura suggested to begin K. with the topic of that section which was "Traffic Management Plan." The Commissioners agreed.

Chairman Maks directed the Commission and staff to the document to begin with page 1.

Comments on page 1:

Commissioner Johansen stated that 60.60.25, subsection 2, is not in this code. Was it in the Transportation System Plan (TSP)? Chairman Maks asked the status of the TSP; has it been passed by Council? Ms. Middleton reported the ordinance was signed on September 15; all the new ordinances will become effective October 15.

Chairman Maks, referring to page 1, #5., last sentence, asked if there was a better way to word this, or add it at the end, "its potential impact to the existing and future local transportation system as well as the regional transportation..." Regarding B., page 1, Chairman Maks asked staff to expand on the text. Would the 200 or 400 vehicles per day thresholds trigger different levels of analyses; if so, where would B. come in? Mr. Wooley responded in the unusual situation where the impacts would be obvious and it wouldn't be worth going through the report. This provides a way to waive the report. He heard at the Commission's last discussion this is to be kept in, so it is written so the City Engineer could waive this, then the City Attorney asked that we include some criteria which was why that sentence became longer.

Commissioner Kirby continued with B., and asked what was the "do not provide reasonable justification..." regarding the estimated cost? He stated it was clear up to that point. Mr. Wooley stated he could not think of any good examples off-hand, but occasionally, every 18 months or so, a project would come through; they could look at it, visualize the traffic impacts, consider the past analysis for this area; or if it were a single family subdivision and the traffic generation was already known, it would appear unnecessary to go through the creation of a thick formal report. Commissioner Kirby agreed with part of the criterion, but his concern was the last "or", where it appeared to be balanced against cost. His discernment was that it was okay to waive the analysis if it did not look like there was going to be any impact. But later, it sounded like it was okay to waive if there wasn't going to be any impact and it looked like preparing the report was going to cost a lot.

Chairman Maks commented that Commissioner Kirby's concern would be addressed by the addition of a period after "designee", third line from the bottom of the page; i.e. "estimated by the City Engineer or designee." This was agreed to by Mr. Wooley. Commissioner Kirby also added that for format consistency, the letters, A., B., C., D., etc., connecting to topical headings (for example what was done on page 2, for Analysis Threshold, and E. Study Area), would it make sense to apply this pattern to A., B., C.? Or the use of small letters?

Commissioner Voytilla, on page 1, regarding Facilities, asked about impacts to overflow parking, or parking in general. Sometimes events or facilities did not fall into the peak hour category and impacts to parking were staggering. He gave the example of having attended a couple of school events, the surface streets for blocks around were impassable for emergency vehicles. He asked if this is something the Commission should be looking at as well as the actual parking needs. The code was more of a minimum requirement. Mr. Wooley responded that parking was a separate section in the code. Schools came under Conditional Uses. Commissioner Voytilla stated there were also retail establishments, churches, and other institutions affected by this. It had become a very sore subject for neighborhoods. In some cases were inundated with overflow parking. His concern was how to address this.

To clarify this, Chairman Maks gave the example of a church application, depending on its size or magnitude, there would be a traffic impact analysis. They would then be required to meet the parking requirements set down in the code, not the results of the traffic analysis, unless it were a Conditional Use Permit, because then there would be a PUD. Commissioner Voytilla understood this but his concern was that this portion of the Code should be looked at. Chairman Maks concurred but stated it did not fall under the traffic analysis. The Code would state, this is the minimum. It's also in the regional framework document; that there is the minimum and a maximum. Commissioner Voytilla asked if this portion could be expanded to address parking. Mr. Wooley stated that possibly it could, but they would be back to the fact that they could not require anything to be done about it if minimums and maximums have been met under most zonings. Commissioner Voytilla stated that as far as relief for the neighborhoods for these kinds of impacts, nothing could be done.

Chairman Maks asked if parking were put within a traffic analysis requirement, based on those findings, could it be said that the project has met the minimum parking standards; however, the analysis determined that this minimum would not be adequate. The project would need to move above the minimum, somewhere between the minimum and the maximum.

Commissioner Wolch commented that they would be bumping up against the Metro maximum. Chairman Maks stated that they could not go above that.

Commissioner Voytilla gave the illustration of having to do a peak-hour analysis. But knowing his use was going to be non-peak, and going to have a major impact, he would not have to prove it. He would not have to do anything for it. The impact it would have on the immediate neighborhood around the project would not need to be addressed. Commissioner Voytilla also questioned the possibility of isolating only peak hour traffic impacts, but this was referred to in a later page. By isolating that one event, the scope of the analysis was being shaped into a very finite part of the day. Chairman Maks agreed that the analysis might not affect the p.m. at all and the project's parking might impact the neighborhood adjacent to the site. However, if the project did not trigger it because of the vehicular flow, the analysis wouldn't be done anyway, so it wouldn't do any good to have parking in it. Chairman Maks turned to staff for assistance. Mr. Wooley stated he would need to talk to other people about the parking as he was not that familiar with the regional requirements and any leeway that may be available.

Chairman Maks addressed the assistant City Attorney concerning the issue of minimums and maximums, how other factors such as the lack of transit in the area would effect this. If the traffic analysis in some fashion determined, the City of Beaverton's minimum was not enough, could a Planning Commission then require the applicant to put in 1.5 spaces per

multi-family unit as opposed to 1, even though the code stated a minimum of 1 and a maximum of 2?

Mr. Naemura responded that that issue had been discussed two weeks ago. He stated it depended on the application. Chairman Maks stated under a PUD and a CUP this was possible; but questioned an outright use, a subdivision, type of subdivision, type of row houses, type of estates, type of development. Mr. Naemura stated there would be a conflict within the code. Chairman Maks agreed. Mr. Naemura asked if Chairman Maks was trying to determine what section would take priority, whether the engineering standards trumped the parking requirements; whether the parking requirements somewhat trumped the engineering data? He responded that he would have to read the sections of the Code to determine that answer.

Commissioner Voytilla commented that no one would want to generate a project which would add significant long-term grief to the community around it. That was what he was attempting to identify as this parking situation does exist currently.

Chairman Maks summarily stated that number one, this would need to be checked with the City Attorney's office. On a conditional use permit, a rezone, a planned unit development, a density transfer, or other discretionary areas, it would be possible to incorporate parking analysis within this document.

Chairman Maks asked Commissioner Heckman's thinking on the matter. He stated that particularly with churches and schools, this situation happened far too frequently. Commissioner Heckman agreed with the observation.

Commissioner Johansen made the distinction between the churches and the schools, that they are not a market driven consideration regarding parking. On the other hand, in a commercial or retail development, parking was very important. In a school, to some extent, they could get by with doing an inadequate amount because people were going to be there regardless; spill-over would be inherent. He cautioned they would need to be especially careful on those uses that might tend to fall under the CUP category, but if there were other "non-market" driven parking impacts, they would need to be aware of those. Chairman Maks stated that his concern was impacts that would come through the Planning Commission; outright uses did not. That was why his thinking was toward the conditional use permit idea. He asked staff to think about this and the possibility of incorporating a parking analysis.

Mr. Naemura responded that the starting point for that answer would be looking at a variance. Staff and applicant would discuss this in a pre-application conference.

Chairman Maks asked that research be done regarding the conditional use, PUD, the unordinary; those areas that fall outside the cut and dried impacts.

Chairman Maks moved the discussion to Page 2.

Commissioner Dunham directed the commission and staff to "E.", Study Area, at the bottom. The phrase, "area of influence", was in quotations. It used to be in the body of the work session draft before that, it told what that was. Now it was a definition and not in the body. She suggested that possibly some reference be made in the back or (either/or) that the particulars be brought up front to this section, "the five percent, the a.m./p.m. peaks, a 1000 foot..." because staff had defined later on, total and added traffic in the body of code as well as in the definitions. Ms. Dunham stated she would like to see that done in both places for this, especially since it was set in quotations, indicating a new term. Later in the text, this same phrase is used but without the quotation marks. Ms. Middleton stated she would be glad to bring the definition forward. What had happened was in the first work session, it was discussed removing the definitions from the particular sections and putting them only in the Section 90. In staff's review of this, some other definitions were brought forward for clarity. Two were changed. This one was not caught.

Chairman Maks stated he wanted to get consensus on this because coming from Code review, he disagreed. He did not want it moved forward. However, if it was defined under the definition section, it should be in quotation marks. It was done so here in "E." It could be noted in the code that a word, or phrase in quotation marks, would be referred into the definition section. Or it could be written using all caps. Chairman Maks explained that if there was an interpretation, 325 pages of the code would not have to be changed, only the definition. Commissioner Dunham commented that was the reason for the either/or in her discussion.

Chairman Maks questioned the rest of the commissioners. Commissioner Johansen agreed all initial caps was a good idea. Commissioner Heckman concurred with Commissioner Johansen that that would set it out.

Commissioner Wolch had a comment regarding D. - Analysis Threshold, page 2. He stated that this might apply to a road project, but it wasn't clear. This coming from the direction where he thought it should apply. The other comment was the trip generation thresholds. What he thought was talked about was that for a larger threshold, more requirements. That was one of the comments he had received from his having approached consultants previously, having let them know the Commission was doing this. Also, if you were to try to make one study fit all situations, they felt that was the source of a number of problems and a lot of disputes about whether what was required should have been provided because they might not have felt it was appropriate for a smaller development. But Commissioner Wolch stated this seemed to read like the same impact analysis was required. There was just some discretion among the staff as to whether they would require it for the 200 vehicles or more.

Chairman Maks commented that in his reading of this section and from the information in previous discussions, his suggestion would be to leave it in their hands, to minimize the analysis for the lower threshold. He would say in D., 2.; "A Traffic Impact Analysis or limited thereof, as to be determined by the City Engineer, prior to his' determination of application completeness...." This way the City would have what would be required in their analysis. Also, in D. 2. it stated "an Analysis may be required for 200 or more...." What the Chair would like to add to that was the language, "an Analysis or limited elements of an analysis, may be required for 200 or more...". He added that the intent of what he was saying was that when there were 200 or more, he can say, you still have to do the full analysis or he could say, you need to do this part, this part and this part, but not this part, and this part. Commissioner Wolch agreed.

Commissioner Johansen also agreed with requiring a full analysis or a partial analysis relative to the discretion of staff, as was Mr. Wooley.

Commissioner Wolch questioned that if this includes road projects, they do not generate trips in and of themselves, so this does not work as far as a threshold? He commented also that a poorly done project could create as much a traffic problem as a development that does not consider traffic impacts.

Commissioner Heckman questioned if a road project in and of itself generated more traffic. Commissioner Wolch responded that, yes, some would say so. Traffic is already there. Commissioner Heckman stated that if the road situation were expanded, would it not be an invitation for more traffic. Commissioner Wolch agreed, but it would come from having pulled it off other facilities. He stated the diverted traffic was a difficult thing to measure; for the City staff to use that as a criterion for traffic analysis might be troublesome. His suggestion would be to add something like adding a lane as the trigger for the analysis.

Chairman Maks moved to page 3, 2. the phrase, "added traffic"; it was defined in the back, the definition could be struck here. Also, it was at this time that Chairman Maks expressed his concern that the Commission had approved developments, but they have up until two years to get building permits. Another analysis on a nearby project could completely avoid that traffic from that approved land use action, because it had not gotten a building permit. He stated the example of Haggens. Commissioner Dunham commented that this had been discussed in the first session. Chairman Maks asked if it were possible to put that land use that had been approved or land use actions have taken place. However, he did state that he realized that things would get approved and not happen, but it was a low percentage. Mr. Wooley asked that once the approval were final, they would include them until such time as their approval would expire or they got their building permit. Chairman Maks responded, yes, that was correct. With the two year building permit provision, it was better safe than sorry. There was consensus.

Ms. Middleton asked for summarization. Chairman Maks stated that the definition as first discussed would be moved back out. His language was, "...is defined as traffic generated by developments or phases of developments or approved land use actions that have received final development approval."

Chairman Maks moved to page 4.

Commissioner Johansen clarified "G." 1. by stating it was his perception that what it required was: As a minimum, that there be a p.m. peak study. And should the p.m. peak not be the peak for the trip generation from this development; that additional peak time be studied as well?

Commissioner Wolch stated that was also what he hoped it would say, but he did not read it that way. Mr. Wooley agreed that was the intent, however, it would need to be clarified. He stated it should be both the peak hour of the generator and the peak hour of the adjoining roadways. Chairman Maks added that he would like to give them discretion stating that based on past history, it was determined that a project's peak was at noon, not the p.m. peak. But it was also going to add eight percent in the morning and it would be necessary to know what it was going to do to this intersection on the a.m. peak.

Commissioner Johansen commented there could be three hours of study: the required p.m. peak; the required site generated peak; then the staff discretionary period of time.

Chairman Maks stated he would only want the site generated peak to be analyzed if in his determination it was going to be a problem. If it were a noon peak, and the roadway was operating at a level of service of C at noon; why should it be studied. Commissioner Johansen asked if the study determined the level of the service.

Chairman Maks stated the a.m. peak and the site peak should be left to staff's discretion.

Commissioner Heckman commented that if there was no p.m. peak, but there was another peak that was site generated, or something during the day, then he could say that that was what needed to be studied. Chairman Maks gave the example of an intersection at a level of service D with a v/c of .97, an applicant's additional 8 percent load in the a.m. might send that intersection into failure. As a result, staff could then ask for that a.m. peak to be studied.

Commissioner Kirby questioned the judgments concerning the level of service and whether the p.m. peak isn't really the high peak area; how would that be determined unless the study was done. Chairman Maks response was, by past history and knowledge of the area. Commissioner Kirby asked if that could really be codified. Chairman Maks stated, yes, it was a matter of giving it to staff and their making the determination. Staff does hear from neighbors, residents, etc., where there were speeding problems, backup problems,

whatever. Commissioner Kirby stated that this was subjective in nature. Chairman Maks reviewed Commissioner Johansen's comment stating that if there was a peak impact outside of the p.m. peak or the a.m. peak, maybe a noon peak, that was what should be studied. His comment was that if there was an impact due to other added traffic or existing traffic, in the a.m., it should be studied. Commissioner Kirby's concern was the subjective nature of the call. Chairman Maks stated the only alternative would be to require an applicant to do all three at all times. That was not reasonable or justifiable. The other alternative would be to make it discretionary with the engineer. Commissioner Kirby asked if staff was comfortable with that call. Mr. Wooley replied that they would possibly play with some language there. He wanted the report to determine when the peak periods were from the generator. Based on that, they could decide if additional study of the street impacts would be needed beyond the p.m. peak. Or if they had knowledge of existing problems, it would fall into that discretionary category.

Commissioner Voytilla asked if there were specific uses such as a church or Costco that would automatically require them to do an analysis. Chairman Maks indicated a problem with listing all kinds of uses. Staff, having been given the discretion, would be able to say that. Mr. Wooley stated he would prefer to work on the wording more to define what was required than to list specific uses.

Commissioner Voytilla asked staff if there had been any distinctions with regard to traffic flow, relative to the times of the year; i.e., fall versus summer, the holidays. A report done in the summer could be misleading if it did not take into account people returning from vacations, retail traffic. Mr. Wooley responded they did see significant traffic changes on some streets. September to May was different from June, July, August. Commissioner Voytilla asked if they should look at that projection being an identifier with regard to what they would anticipate the September to May range to be. A seasonal factor was a good point with regard to average daily traffic. There were definite differences in traffic when school was in session, or there was a holiday ahead. During holidays, the commuters were off the road.

Chairman stated that the problem was dealing with the 120 day issue.

Commissioner Heckman questioned the factoring in of atypical days when the study was supposed to be on typical days or seasons. How were the anomalies to be accounted for? Mr. Wooley replied they avoided counting on Holidays. They do count during the summer, the 120 day factor does get in there. He stated they really did not have that adjustment right now between summer and fall, even though in some cases, there would be significant variation.

Commissioner Heckman then addressed the top of the page, item a., which stated, "Existing traffic shall be ...", He asked how he would obtain historical data if there has been no previous studies done in this area. Mr. Wooley answered if this were the case,

there would be no historical data. This was addressing the period when they would do their own counts.

Chairman Maks questioned 3., page 4, Forecast Year Analysis, the passage, "...shall include an analysis of the proposed development's impacts...". He stated they did not have a proposed development's impact on the comprehensive plan amendment. He understood the direction it was going; however he suggested adding verbiage with regard to what the maximum use within that comprehensive plan amendment change would generate. Mr. Wooley stated, potential development, not proposed development. Chairman Maks said that was right.

Commissioner Wolch added that he had crossed out "proposed developments" and wrote "worst case impacts". Chairman Maks concurred that that was his intent, through the comprehensive plan amendment change. What would be used was the highest trip generation, under whatever zone within that comprehensive plan designation, as opposed to the highest trip generation of this one.

Chairman Maks addressed page 5. Commissioner Dunham asked whether or not Accident Analysis would need to be brought up under Intersection Analysis. She recalled there was accident analysis back three years that was looked at. Commissioner Wolch stated that H. and H. 1. addressed it.

Page 6: Commissioner Dunham said she was going to flip the order of 4. and 5. at the top of the page. Chairman Maks remarked that that was a good point, 4. was more like an ending.

Page 7: There were no comments.

Page 8: Chairman asked staff to explain 6. Ms. Middleton stated that it is a requirement of Title 6. What was the intent, would it apply in CPAs or something like that? Ms. Middleton stated it was a regional requirement. She explained that "where zoning permits" was a staff comment which was added by one of the Policy Group.

Chairman Maks stated his concern was the fact that the land was already zoned. Mr. Wooley commented it was zoned to allow multi-use mixing of land uses. The report was showing significant traffic impact so it would be something they would have to address. The multi-use zoning would affect traffic. Commissioner Heckman stated if it were a mixed use allowance, wasn't some reasonably heavy traffic anticipated? Mr. Wooley replied that one of the big benefits of mixed use was to reduce trips.

Commissioner Kirby stated that if the idea was that we were imposing a requirement, so was the requirement that "the applicant should consider the mixing of land uses where

zoning permits where development or collective phases of development are....” Chairman Maks stated “the applicant” part could be omitted, just state, “the mixing of land uses....”

Commissioner Kirby asked “who” was the action party doing the considering, this should have a subject phrase to identify who is opposed to leaving it open. Ms. Middleton responded it was the project proposal.

Mr. Naemura agreed that he was having difficulty in applying this to a real life scenario, especially outside the multiple use zone. However, he did like the fact that it began with the trigger which lead to the command; the trigger being the generation of the 1000 peak hour vehicle trips. In his reading, he saw that if the trigger was not pulled, he did not even have to reach the requirement to consider multiple uses. He liked it with the trigger first.

Commissioner Kirby concurred the trigger could be first, but then change the language to, “shall consider mixing of land uses where zoning permits....”

Chairman Maks requested staff to look at this section to see if it was needed; if not, omit it.

Commissioner Voytilla commented regarding the intent, the goal being to reduce vehicle trips. He suggested adding this to the end of the section, for example, “with the goal of reducing vehicle trips....” Chairman Maks agreed that this helped in identifying what it applied to.

Commissioner Wolch had a comment concerning K., the Traffic Management Plan. It was under K. so it seemed to be part of the Traffic Impact Analysis. But with regard to situations where the larger trigger volumes would not be met, but the 20 or more through trips would trigger, what would be the actual intent of this requirement? There would be circumstances when we would want the Traffic Management Plan but not an Impact Analysis. He stated the way he read this was that it seemed like it was part of the Traffic Impact Analysis. Ms. Middleton stated this could be renumbered.

Mr. Naemura added that it should probably be clarified by stating that, “irrespective of whether a traffic impact analysis was prepared, where the development adds 20 or more through trips....”

Commissioner Wolch asked what he thought about bringing that forward so that you see right at the point, you’re either in an Impact Analysis or a Traffic Management Plan only, or you’re in both. Ms. Middleton stated that could be brought forward, making it 7. on page 7.

Page 9: Chairman Maks commented that added traffic had already been discussed.

Commissioner Kirby addressed that last item, Traffic Impact Analysis, second to last line, "project that projects, ..." There would need to be a synonym for the word projects.

Chairman Maks asked if there were any further comments on any of these pages. There were none. He stated staff was ahead of the time table of when they would be getting this. This was commendable. He asked what would be the next process? Mr. Wooley answered they would make changes based on the discussion, and bring it back as a formal application advertised through Measure 56. They would return in January. Another work session was not deemed necessary. Chairman Maks asked that the Commission be sent a draft. Ms. Middleton stated they would be providing the notice December 14. She would try to get this rewritten in the next week or so, they would be given a deadline in which to go over it. The public hearing dates were scheduled for January 5 and 12, 2000.

Commissioner Kirby MOVED and Commissioner Heckman SECONDED a motion to approve the minutes of the July 14, 1999, meeting with corrections noted on the attached copy.

The question was called and the motion CARRIED with Commissioner Dunham abstaining.

Commissioner Heckman MOVED and Commissioner Dunham SECONDED a motion to approve the minutes of the August 4, 1999, meeting with corrections noted on the attached copy.

The question was called and the motion CARRIED with Commissioner Kirby abstaining on the August 4, 1999 minutes.

Commissioner Johansen MOVED and, Commissioner Voytilla SECONDED a motion to approve the minutes of the August 11, 1999, meeting with corrections noted on the attached copy.

The question was called and the motion CARRIED with Commissioners Kirby and Wolch abstaining on the August 11, 1999 minutes.

ADJOURNMENT at 9:10 p.m.